

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Paul Edward Johnson,

Case No. 23-CV-2249 (KMM/LIB)

Plaintiff,

v.

**ORDER**

Ryan Sullivan,

Defendant.

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The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois, dated November 29, 2023. No objections have been filed to that R&R in the time period permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b)) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise, and the R&R is adopted in full.

**IT IS HEREBY ORDERED** that:

1. Plaintiff's official-capacity claims against Defendant Ryan Sullivan are **DISMISSED** without prejudice for failure to state a claim.
2. Plaintiff's claims against the State of Minnesota (regardless of capacity) are **DISMISSED** without prejudice for lack of jurisdiction.
3. Plaintiff's official-capacity claims against Defendant Ellison are **DISMISSED** without prejudice for lack of subject matter jurisdiction; and
4. Plaintiff's individual-capacity claims against Defendant Ellison are **DISMISSED** without prejudice as frivolous.

Date: **February 2, 2024**

*s/ Katherine M. Menendez*

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Katherine M. Menendez  
United States District Judge